

**CONCEPT ZONING ARTICLE ATM-09.9**  
(Two-thirds vote)

**AMEND ZONING BYLAW  
FLOOR AREA RATIOS IN SOUTH ACTON  
VILLAGE AND WEST ACTON VILLAGE  
ZONING DISTRICTS**

In the Table of Standards Dimensional Regulations the basic Floor Area Ratio (FAR) limit for the South Acton Village (SAV) zoning district is 0.20. Footnote (13) allows a higher FAR to 0.40:

- (13) The maximum Floor Area Ratio (FAR) may be increased to .40, provided that for every square foot of non-residential NET FLOOR AREA built above FAR of .20 an equal amount or more of habitable residential NET FLOOR AREA is provided simultaneously, and set aside for exclusive residential USE.

In the same Table the basic Floor Area Ratio (FAR) limit in the West Acton Village (WAV) zoning district is 0.40. Footnote (11) allows a higher FAR to 0.70:

- (11) The FLOOR AREA RATIO may be increased to .70 provided that for every 1000 square feet of non-residential NET FLOOR AREA built above a FLOOR AREA RATIO of .40 an at-least-equal amount of residential NET FLOOR AREA is provided simultaneously.

The base FAR limit in both districts can be build out as residential or commercial space. Over the years since their adoption, the Town has interpreted the footnotes as a limitation on commercial square footage to FAR 0.20 in SAV and FAR 0.40 in WAV, while allowing all-residential development to go up to the higher FAR 0.40 or 0.70 respectively. This interpretation has developed some track record since several developments and redevelopments in South Acton Village have been implemented over the years under this interpretation of the footnote (13) rule. Recently, proposed development in South Acton has drawn attention to the language in footnote (13), and an alternative interpretation has been offered that would impose the FAR 0.20 limit to residential floor space as well and require all square footage above FAR 0.20 to be divided between commercial and residential use.

A clarification could be made that would solidify that Town's past interpretation – OPTION A below. Alternatively, a change could be made that would adjust zoning to the alternative interpretation that has been offered – OPTION B below.

Although the question has been raised for South Acton Village, the similarity in the two footnotes pertaining to SAV and WAV suggests that a clarification or change, if any, should be considered both, and that as part of any such action the two footnotes could be changed for identical wording except for the differences in the FAR limits.

For details on both sides of the debate, and memo from Town Counsel in the matter, please refer to the .PDF files that are supplemental to this document.

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**OPTION A - solidifies Town's past interpretation**

1. In the Table of Standard Dimensional Regulations, under the column entitled "Maximum Floor Area Ratio" in the line for the South Acton Village (SAV) District change "0.20 (13)" to "0.40 (13)".

2. Change footnote (13) so that it reads as follows:  
Within the Maximum FAR of 0.40, a project can consist entirely of habitable residential NET FLOOR AREA, or it can consist of a mix of habitable residential and non-residential NET FLOOR AREA; provided, however, that for every square foot of non-residential NET FLOOR AREA built above the FAR of 0.20, an equal amount or more of habitable residential NET FLOOR AREA must be provided simultaneously and set aside exclusively for residential USE.
3. In the Table of Standard Dimensional Regulations, under the column entitled “Maximum Floor Area Ratio” in the line for the West Acton Village (WAV) District change “0.40 (11)” to “0.70 (11)”.
4. Change footnote (11) so that it reads as follows:  
  
Within the Maximum FAR of 0.70, a project can consist entirely of habitable residential NET FLOOR AREA, or it can consist of a mix of habitable residential and non-residential NET FLOOR AREA; provided, however, that for every square foot of non-residential NET FLOOR AREA built above the FAR of 0.40, an equal amount or more of habitable residential NET FLOOR AREA must be provided simultaneously and set aside exclusively for residential USE.

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OPTION B – changes over to new interpretation

1. In the Table of Standard Dimensional Regulations, under the column entitled “Maximum Floor Area Ratio” in the line for the South Acton Village (SAV) District change “0.20 (13)” to “0.40 (13)”.
2. Change footnote (13) so that it reads as follows:  
  
Within the Maximum FAR of 0.40, the NET FLOOR AREA built above the FAR of 0.20 shall consist of a mix of habitable residential and non-residential NET FLOOR AREA, with the residential NET FLOOR AREA set aside exclusively for residential USE, and non-residential NET FLOOR AREA set aside exclusively for non-residential USE.
3. In the Table of Standard Dimensional Regulations, under the column entitled “Maximum Floor Area Ratio” in the line for the West Acton Village (WAV) District change “0.40 (11)” to “0.70 (11)”.
4. Change footnote (11) so that it reads as follows:  
  
Within the Maximum FAR of 0.70, the NET FLOOR AREA built above the FAR of 0.40 shall consist of a mix of habitable residential and non-residential NET FLOOR AREA, with the residential NET FLOOR AREA set aside exclusively for residential USE, and non-residential NET FLOOR AREA set aside exclusively for non-residential USE.

**SUMMARY**

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Selectman assigned:

**Recommendations:**      **Board of Selectmen**      **Finance Committee**      **Planning Board**

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